

HOUSE BILL 2858
By Litz

AN ACT to amend Tennessee Code Annotated, Title 41,
Chapter 4, Part 1, relative to the certification of
local correctional facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1 Tennessee Code Annotated, Section 41-4-140, is amended by adding the
following new subsection:

(f)

(1) When determining if the inmate population of a local correctional facility is in excess of its certified rated capacity for purposes of compliance with the minimum standards, the total number of inmates incarcerated in such facility who are not United States citizens shall be discounted from such computation.

(2) No local correctional facility shall be denied a certificate of compliance with the minimum standards when the sole cause of decertification is overcrowding if, after subtracting the number of inmates incarcerated in such facility who are not United States citizens, such facility complies with the minimum standards.

(3) In determining the number of inmates incarcerated in such facility who are not United States citizens for purposes of this subsection, only those who remain after the facility has notified the immigration and naturalization service of their presence may be discounted for purposes of certification.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.